

### REMARKS

Claims 1-33 are pending in the application. Claims 2 and 31 have been amended to correct informalities. The specification has been amended to correspond to Figures and to correct informalities. No new matter has been added. Applicant respectfully requests reconsideration in view of the following remarks.

Claims 1, 5, 9-11, 15, 19-21, 25 and 29-31 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,526,521 ("Fitch"). Claims 2-4, 6-8, 12-14, 16-18, 22-24, 26-28 and 32-33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitch in view of U.S. Patent No. 5,771,383 ("Magee").

Claims 1, 11, 21 and 31 recites one or more kernels that is executed as one or more processes by a non-preemptive microkernel.

As described in the background section of the application, at page 2, lines 8-9, "[a] traditional operating system is logically layered and divided into two main portions: the kernel and user programs." In such traditional systems, kernels (or monolithic kernels) themselves only run processes. Application at page 3, lines 1-2. Kernels may, however, be partitioned into microkernels, which run in parallel and also traditionally only perform "inter-process communication (IPC) and process scheduling." Application at page 2, lines 18-19. Fitch, which was filed four and a half years before the application, speaks to such a traditional system, teaching the use of parallel microkernels and a scheduling routine for microkernels which may involve nonpreemptive process scheduling. Fitch, col. 1 and col. 2, lines 33-35 & 61-66. Other than the unique scheduling method described in Fitch, the basic concepts of Fitch were addressed as prior art in the application.

Fitch does not attempt to address the issue of implementing real-time processes while using non-preemptive microkernels. Nor does Fitch teach or suggest (alone or in combination with Magee), the particular solution offered by the inventors, i.e., using non-preemptive microkernels to execute kernels as processes. Applicant respectfully submits that even the sentence cited by the Examiner that control contexts which are traditionally scheduled by the kernel are also referred to by other names such as "threads," "processes," or "tasks," does not

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suggest that instead of scheduling control contexts (by whatever name they are referred) a microkernel could be used to execute other kernels as processes.

Therefore, Applicant respectfully submits that independent claims 1, 11, 21 and 31 (and the claims that depend therefrom) are not anticipated nor rendered obvious by the cited art and should be in condition for allowance.